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by Frank Wisner

DEPARTMENT OF STATE

MEMORANDUM OF CONVERSATION

ARGENTINA PROJECT (S200000044)

U.S. DEPT. OF STATE, A/RPS/IPS

Margaret P. Grafeld, Director

Release ( ) Excise ( ) Deny

Exemption(s):

Declassify: ( ) In Part (X) In Full

( ) Classify as ( ) Extend as ( ) Downgrade to

Date Declassify on Reason

Subject: Detainees, Disappearances and other Human Rights Concerns

Participants: General Albano E. Harguindeguy, Minister of Interior  
Juan Carlos Arlia, Ministry of Foreign Affairs  
David D. Newsom, Undersecretary of State for  
Political Affairs  
Ambassador Raul Castro  
Fernando Rondon  
William H. Hallman

Distribution: S, D, ARA, S/P, OSD/ISA, HA, PM, JCS, NSC-Pastor

Mr. Newsom outlined the purpose of his visit: to examine the issues which lie between Argentina and the United States. His coming to Buenos Aires, he said, is a token of the importance the U.S. attaches to its relations with Argentina.

We understand Argentina's difficult recent history, and of the terrorism the country faced, Mr. Newsom said. We appreciate too gains the Argentine government has made -- in the economy, in conquering terrorism, and in such human rights steps as an amnesty at Christmas and progress in the Timmerman, Deutscher and other cases. We understand the importance of the right of option program. What would be helpful now, Mr. Newsom explained, is to hear what further can be expected -- in terms, for example, of persons to be released and allowed to leave under Right of Option procedures, and of what steps can be taken in the issue of disappearances.

The Minister of Interior began his reply by explaining how Argentine law had been inadequate to withstand the terrorist onslaught. Laws framed in the 1870's were insufficient against the violence, and extraordinary measures had to be taken.

A relief measure was found in Article 23 of Argentina's Constitution, which provides for a "State of Siege". Under this the "poder ejecutivo nacional" (PEN) is provided authority for detaining persons indicated by intelligence sources to be of danger to the state, and of holding them although evidence sufficient to convict them in a court of law is lacking.

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Right of Option is a means of releasing these detainees, Harguindeguy said, but it had to be applied under regulations: It was not possible to release persons who would travel abroad (the Minister cited as examples to France, Spain, Italy and/or Mexico) and engage in activities dangerous to the Argentine state. The Minister also cited that states who receive such persons have themselves been highly critical of Argentina's human rights record. For this reason the Right of Option Committee, which the Minister heads, had had to proceed very carefully.

The security of the state was of primary concern, the Minister said, but there was another restraint: Persons who had been sentenced may not leave under the option right unless they have served two thirds of their sentence, and then only with the permission of a judge.

Mr. Newsom noted that no one in the United States expects Argentina to release terrorists, but what, he asked would be the fate of the present detainees?

General Harguindeguy said that a great many of them would remain imprisoned until all vestiges of subversion were eradicated. He went on to talk about the lack of usual guarantees of war -- guarantees which, in the case of terrorists, it simply was not possible to maintain. Truces, ceasefires, etc. had not been possible. No rules of war could be observed which gave terrorism a status, like that of enemy nations under rules of war. He referred again to what Argentine subversives had done against the country while abroad. (General Harguindeguy mentioned Italy again, citing apparent respectability accorded terrorists in their appearance with Italian Deputies and Senators. He mentioned a belief that Aldo Moro had had contact with Argentines this government believes are subversives.)

At some point, the Minister said, it will be possible to get on with trials -- military trials for those accused of crimes against the military forces, civil trials for those accused of attacking civilian targets. He pointed out that also under the PEN the President has wide discretion to dispose of cases.

Mr. Newsom, citing passions and animosities created in a situation of crisis, then asked about disappearances. Many

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affirm, he said, that these have taken place at the hands of the security services. Even in war, Mr. Newsom said, effort is taken to trace the missing. He referred then to General Harguindeguy's recent speech in which he demanded humane methods from police officers. Can it be assumed that the "disappearances" phase of Argentina's war has ended? Have measures been taken to control elements that caused these events? Will families be informed of the fate of persons they now believe have "disappeared"?

The Minister affirmed the importance of his recent speech, given two weeks before. The problem of disappearances, over all, is ended, he said. It will not rise again to trouble the nation and its relations with other countries, as it did in the past. An occasional disappearance may be reported, the Minister said -- he could not guarantee complete cessation, just as he knew others would be aware that many reasons for disappearances arise. But never, he said, would the problem of disappearances again reach significant proportions.

The Minister said he had made this same declaration only two days before to newspaper editors -- among them Bob Cox of the Buenos Aires Herald. He had asked them at that time to be vigilant in discussing disappearances in a time frame -- to separate in their stories past from present.

He went on to affirm that security forces were now under control, completely -- indicating in passing that there had been those "who escaped our full control."

As for the already disappeared, General Harguindeguy said that just days before a newspaper had published the names of more than 2,500 persons disappeared. The government is looking into this. It has been discovered that 55 of the persons listed are officially detained and their names published as such, 36 have been released and are at home, 9 are "common criminals" known to the police, 7 are dead under circumstances already communicated to interested persons, and 2 are fugitives. Another problem the government has, he said, is that many names are very common ones and no further identifying data are given.

Mr. Newsom asked whether there are government efforts to track down more on this problem -- communicating with the persons who prepared the list, for example, for more details.

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The General said that his ministry has a registry at which families are invited to inquire about missing relatives. Some 3,200 names have been acquired in this way. Some families, the Minister said, have later come to say that relatives have after all turned up. He said he would not seek to minimize the overall problem of disappearances by suggesting, also, that events having nothing to do with subversion-repression had led to many disappearances.

(This meeting was ended just at noon when an aide announced that the President had called asking to talk with the Minister, and was expecting Mr. Newsom and Ambassador Castro.)

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